

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 24, 2007
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, September 24, 2007 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Smith indicated for the record that Commissioners Cartwright, Oitzinger, Peura, and Throssell were present. City Manager Tim Burton, City Prosecutor Bob Wood and Deputy City Clerk Robyn Brown were present. Others present were Marshall Gingery representing the Helena Citizens Council.

Pledge of Allegiance

Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

The minutes of the regular City Commission meeting of September 10, 2007 were approved as submitted.

Proclamation

PROCLAMATION:

A. Fire Prevention Week

Mayor Smith read the proclamation designating October 7-13, 2007 as Fire Prevention Week and presented it to Fire Marshall Craig Trapp. Fire Marshall Trapp gave an overview of events being held for Fire Prevention Week 2007.

Introduction

INTRODUCTION:

A. Introduction and confirmation of Firefighters Doug Fischer and Brandt Buresh

Fire Chief Steve Larson introduced Firefighters Doug Fischer and Brandt Buresh, who have successfully completed their one-year probation. Chief Larson gave a brief history of Mr. Fischer and Mr. Buresh's training and education. Chief Larson recommended approval of Mr. Fischer and Mr. Buresh as firefighters for the Helena Fire Department.

Mr. Fischer and Mr. Buresh expressed their appreciation for being able to work for the City of Helena. The Commission thanked Mr. Fischer and Mr. Buresh for their desire to serve the citizens of Helena.

Motion

Commissioner Peura moved approval for the confirmation of Firefighters Doug Fischer and Brandt Buresh. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

A. Claims

B. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the disposal of that property (seized vehicles) **Resolution #19519**

C. Final passage of Ordinance No. 3091 amending the Official Zoning Map and pre-zoning to CLM (Commercial-Light Manufacturing) District 12.7 acres prior to annexation; generally

located east of B Street and south of the Helena Regional Airport
Ordinance #3091

City Manager Tim Burton recommended approval of the claims
and the consent agenda.

Public Comment Mayor Smith asked for public comment, none was received.

Motion **Commissioner Throssell moved approval of items A through C on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Oitzinger acknowledged members of the Public Art Committee for their work on the restoration and unveiling of the George Washington statue located at the Lewis & Clark County Courthouse.
Commissioner Throssell reminded citizens Trash for Trees would be held on Saturday, September 29, 2007 at 9:00am in the Northgate Plaza parking lot.
Commissioner Cartwright expressed concern for electronic signs at various businesses in town. He reminded business owners that signs cannot change their message more than eight times in one minute and encouraged concerned citizens to file complaints about signs not in compliance with the ordinance, as it is complaint driven.
Commissioner Peura commented he had met Mayor Smith's granddaughter, Bailey Cecilia Gilbertson, over the weekend.
Mayor Smith announced the Helena International Affairs Council would be holding a forum on the Iraq War referenda on October 2, 2007 at 7:00p.m. in the lower Carroll College Commons.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager REPORT OF THE CITY MANAGER
City Manager Burton asked Public Works Director John Rundquist to report on the construction to Helena Avenue and recent concerns with taste and odor of the city's water.
Director Rundquist reported Henderson Avenue reconstruction proceeds on schedule. The north half of the project is completed and in operation while work continues from Brady Street south. It is anticipated the entire length of the street should be open in a couple weeks. Director Rundquist noted bike riders should take the same alternative routes as vehicles as the bike paths closed too.
Director Rundquist referred to water quality concerns due to an odor in the water and explained this year copper sulfate was not used to control the algae bloom in the Chessman Reservoir for environmental reasons. When the algae die and starts to decompose, it imparts a chemical into the water, gasmin, which creates a musty smell in the water. A human can smell gasmin at a very low concentration level, four parts per billion. This chemical is not harmful and creates no health hazard; it is just a nuisance and inconvenience. The only way to remove it is to flush the water until the smell disappears; the smell will hopefully be cleared up in a couple of weeks. The water at the Missouri River and Tenmile Treatment Plants is being tested daily to monitor gasmin levels.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Marshall Gingery reported next HCC meeting is Wednesday, September 26, 2007 at 7:00p.m. in City/County Building Room 326; neighborhood issues will be discussed. The HCC is currently very involved in recruitment for the upcoming election.

Commissioner Peura asked for the deadline to file for the HCC. HCC VISTA Martha Eberle explained the filing deadline is October 9, 2007. Interested persons must be a Helena resident and live in the district they would like to represent. Interested persons can contact the Lewis & Clark County Elections Office.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION VACATING A PORTION OF THE COLONIAL DRIVE RIGHT-OF-WAY ADJACENT TO THE SOUTHERLY PORTION OF LOT 6A IN THE HELENA MALL SUBDIVISION.

Staff Report

Public Works Director Rundquist reported the design and construction of the new South Helena Interchange will realign Colonial Drive adjacent to Hunter's Pointe Assisted Living Facility. Helena Retirement Residence, LLC is the current owner of the Hunter's Pointe facility. The realignment of Colonial Drive will require a land trade of ROW that is of approximately equal square footage. The city will get the needed ROW to construct the new Colonial Drive and Helena Retirement Residence, LLC will get the vacated ROW. The city initiated this land trade to facilitate the relocation of Colonial Drive. The city will maintain an easement for the existing sewer main that follows the existing road alignment.

Director Rundquist recommended approval of the vacation as it would allow the owner of the property to use the vacated ROW to its advantage and the City of Helena would get the needed ROW to relocated Colonial Drive.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Peura moved approval for a resolution to vacate a portion of Colonial Drive ROW adjacent to Lot 6A of the Helena Mall Subdivision in the City of Helena. Commissioner Throssell seconded the motion. All voted aye, motion carried.
Resolution #19520

**Public
Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is October 10, 2007 and the next Commission Meeting is October 15, 2007. The Helena Housing Authority Board Meeting is September 25, 2007. The League of Cities and Towns Convention will be held October 3-5, 2007 in Bozeman.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 6:45p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission